

REMARKS/ARGUMENTS

An Office Action was mailed in the above-captioned application on September 3, 2008. Claims 42 and 78 were objected to in the application, and claims 38, 41, 76 and 77 have been rejected. Claims 1-40 and 43-76 have been cancelled without intending to abandon or to dedicate to the public any patentable subject matter.

The title also remains objected to until it can be changed once allowable subject matter is identified. This Amendment and Response is submitted in response to the Office Action of September 3, 2008. Claims 41 and 42 have been amended and support for these amendments can be found in the specification, claims and drawings as originally filed, particularly at Figure 2A and Example 2 at page 37, line 10 through page 38, line 26 of the specification. Applicants submit that no new matter has been added by these amendments. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections is respectfully requested.

The Rejection Under 35 U.S.C. § 102(e)

The Examiner has rejected claims 38, 41, 42, 76 and 77 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0220800 to "Roberts et al." Specifically, the Examiner argues that the '800 publication teaches a TPO variant comprising F141V at paragraph 160 and Fig. 9, and a composition comprising the protein at paragraph 25 and Claim 31. (Initially, to clarify for the record, it should be noted that U.S. Patent Application Publication No. 2005/0220800 is to inventors "Scott" and "Harding")

Applicants have amended Claims 41 and 42 to recite TPO variants that do not include the TPO variant disclosed by the '800 publication. Additionally, Applicants have cancelled Claims 38 and 76. Therefore, Applicants submit that these amended claims are not anticipated by the '800 publication.

Appl. No. 10/519,390
Amendment and Response dated December 3, 2008

Based at least upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,
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